



## **Montana Fish, Wildlife & Parks**

4600 Giant Springs Rd.  
Great Falls, MT 59405  
September 08, 2015

Dear Interested Party:

This letter is to notify you of Montana Fish, Wildlife, and Parks (MFWP) decision on the Montana Radio Company LLC (MRC) EA regarding the request to construct and operate a 499' tower on land owned by MT Fish, Wildlife and Parks (FWP). The FWP property subject to this request is located on the Butte adjacent to and above the Great Falls Sport Shooting Complex (GFSSC) which is also operating on land owner by FWP. In mid 2014 the MRC requested consideration to construct and operate a radio tower on FWP land adjacent to the GFSSC. At the time of the request there were multiple other permits, approvals and processes that the MRC had to finalize before FWP would do a complete assessment of the request, an Environmental Assessment (EA) and other processes to determine the correct actions and to approve or deny MRC request. At this time all the appropriate documents, approvals and processes outside FWP's processes have been done.

FWP released a Draft EA for public review and comment period from July 15, 2015 to August 17, 2015. Comments received regarding the proposal are summarized in the enclosed Decision Notice. No modifications have been made to the Draft EA after consideration of public input. Please consider your previous copy of the EA along with this Decision Notice as final.

It is my recommendation to move forward with the next step in FWP's process (FW Commission review and public process) of the proposed radio tower. The FWP process includes the public process and consideration by the FW Commission, all legal and land policy review, and if approved the development of a management agreement and contract between the MT Radio Company LLC and FWP. The final decision will be made at the Fish and Wildlife Commission Meeting, either in November or December.

Thank you for your interest and involvement.

Sincerely,

A handwritten signature in blue ink that reads "Gary Bertellotti". The signature is fluid and cursive, with the first and last names being more prominent.

Gary Bertellotti  
Region 4 Supervisor  
Montana Fish, Wildlife, & Parks  
4600 Giant Springs Rd.  
Great Falls, MT 59405  
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## **Montana Fish, Wildlife & Parks**

### **DECISION NOTICE**

#### **Montana Radio Company Radio Tower on FWP Land / GFSSC**

Region 4 Headquarters  
4600 Giant Springs Rd.  
Great Falls, MT 59405  
(406) 454-5840

#### **DESCRIPTION OF PROPOSED ACTION:**

Montana Fish, Wildlife, and Parks (FWP) propose to allow Montana Radio Company LLC (MRC) to place and operate a 499' radio tower on the FWP land on top of the Butte north east of Great Falls MT adjacent to the Great Falls Sports Shooting Complex. The location already has existing communication towers 50% shorter than the proposed 499' height proposed by MRC. The purpose of the Tower is to meet FCC license received by the MRC to serve Fort Benton and surrounding communities. If approved by the Fish and Wildlife Commission through its public process, FWP will develop and complete all necessary processes and negotiate a contract to allow the tower to be placed on FWP lands.

#### **MONTANA ENVIRONMENTAL POLICY ACT (MEPA) PUBLIC PROCESS AND COMMENT:**

Montana Fish, Wildlife, and Parks is required by MEPA to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision based on this information. Montana Fish, Wildlife, and Parks released a Draft Environmental Assessment (EA) for public review of this proposal on July 15, 2015 and accepted public comment until 5:00 P.M. on August 17, 2015.

Notice of the proposal and availability of the Draft EA was published in the *Great Falls Tribune*. Copies of the Draft EA were distributed to neighboring landowners and interested individuals, groups, and agencies to ensure their knowledge of the proposed project. The EA was available for public review on FWP's website (<http://fwp.mt.gov/>, "Public Notices") from July 15, 2015 through August 17, 2015. An FWP statewide news release was issued July 15, 2015 and also posted on FWP's website the same day.

#### **SUMMARY OF PUBLIC COMMENT:**

Montana Fish, Wildlife, and Parks received 3 total comments (via online, phone and formal letters) and responses from agencies that were ask for review of the proposal and EA to assure compliance with all regulatory authority. One letter had multiple points and comments.

#### **Comments from agencies and other governmental entities:**

USFWS provided a letter via e-mail asking FWP to place standards in place so the tower and operators would consider wildlife issues including nesting and migration of birds and bats. They submitted wildlife protection standards that the USFWS asks all tower owners to utilize in avoiding and/or minimize wildlife-tower conflict that result in injury or disruption of normal wildlife activities.

Cascade County was asked by the MRC to approve a variance of the tower height and placement restriction was granted after two public hearings at the Cascade County courthouse during its June and August Cascade County Planning Department (CCPD) meeting. Public was able to comment and FWP

provided the CCPD with facts on the FWP process. At the Second meeting the MRC application for a variance was approved by Cascade County.

Malmstrom Air Force Base was ask for comment regarding potential problems with flight path and base flight safety if the tower was constructed on FWP property as described in the proposal and EA. Malmstrom AFB found no significant issue with the location or height of the tower and determined it posed no threat to their air safety at the Base.

The FAA was also ask for any regulations, concerns or permitting that would be needed to comply with FAA regulatory authority regarding communication towers. They concluded that there would be not change to flight approach or departure flight paths to the Great Falls Airport.

#### RESPONSE TO PUBLIC COMMENT:

*2 Comments: The tower will pose a threat to small air craft and the 499 foot height was to avoid the 500'foot height restrictions which would have resulted in FAA requiring additional lighting and restriction for the tower.*

FWP Response: Montana Fish, Wildlife, and Parks recognize this concern but this is not under FWP's authority or restrictions to consider. FWP only assessed the proposal as it was presented and the FAA's review, legal authority and permitting are outside FWP process and FWP depends on FAA's authority and permitting for any restrictions and or criteria that MRC would be required to follow.

*Comment: Tower would preclude recreational use of the area where the tower is placed.*

FWP Response: This area has already been disturbed and has towers and small building present. The area is adjacent to this is the Great Falls Sports Shooting Complex (GFSSC) and would not be an appropriate location for recreational use beyond the shooting associated with the complex.

*Comment: Concern about the line of sight from the various range shooting areas.*

FWP Response: FWP and GFSSC board members have reviewed options and came to conclusion that MRC will be able to work with and mitigate the safety issues during construction. After Construction and during maintenance and repair events MRC and GFSSC will work to coordinate scheduling to assure safety of workers of MRC and minimize the disruption on the ranges of the GFSSC.

*Comment: Tower height makes it visible from long distance and will have blinking lights 24/7/365. Home owners, neighbors and travelers will be able to see this which is a view shed obstruction.*

FWP Response: This is correct but there are other exiting towers and structures on the butte as well as large power lines that transect the general area around the GFSSC due to multiple hydropower plants etc. all contributing to the disruption of an unimpeded view shed. By placing where other towers already exist we reduce the overall number of locations across the landscape. The original location for the tower on USFS land which concentrates multiple towers in a small area instead of towers on every hill top, reducing the impacts to view shed and other resources. We hope to do the same here.

*Comment: Towers of this size and with guywires have been known to kill birds and bats. FWP should be protecting wildlife.*

FWP Response: FWP has received a letter from the USFWS and if the Tower is approved for placement on FWP, MRC will be required to meet USFWS standards and rules for Towers of this size and type.

*Comment: FWP opposed the route of the MATL power line across the FWP land at the GFSSC. Why the change in attitude.*

FWP Response: FWP looks at each and assessed the impacts independently. Each has differences in scope, type of project and potential impacts. The assessments and determination are based on the individual project. The MATL power line is in place nearby.

#### DECISION NOTICE

Using the EA and public comment, a Decision Notice must be rendered by FWP which addresses the concerns and issues identified for this proposed action.

Montana Fish, Wildlife, and Parks' analysis provides a conclusion that would not preclude the placement of a tower on FWP property on the Butte above the GFSSC.

I find there to be no significant impacts to the human and physical environments associated with this project. Therefore, I conclude that the EA is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

After review of this proposal, it is my decision to accept the Draft EA as supplemented by this Decision Notice as final, and to recommend that this proposal be brought to the FW Commission for their consideration and further public review before a final decision will be made on the placement of the MRC radio tower on FWP property adjacent to the GFSSC.

September 8, 2015

Sincerely



Gary Bertelotti  
Region 4 Supervisor